

AO 466A (Rev. 12/17) Waiver of Rule 5 & 5.1 Hearings (Complaint or Indictment)

UNITED STATES DISTRICT COURT

for the

District of South Dakota

United States of America

v.

DARRELL GOINS

Defendant

Case No. 5:24-mj-74

Charging District's Case No. 1:24-MJ-162

WAIVER OF RULE 5 & 5.1 HEARINGS
(Complaint or Indictment)I understand that I have been charged in another district, the *(name of other court)* District of Columbia

I have been informed of the charges and of my rights to:

- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;
- (3) production of the warrant, a certified copy of the warrant, or a reliable electronic copy of either;
- (4) a preliminary hearing to determine whether there is probable cause to believe that an offense has been committed, to be held within 14 days of my first appearance if I am in custody and 21 days otherwise, unless I have been indicted beforehand.
- (5) a hearing on any motion by the government for detention;
- (6) request a transfer of the proceedings to this district under Fed. R. Crim. P. 20, to plead guilty.

I agree to waive my right(s) to:

- ☒ an identity hearing and production of the warrant.
- ☐ a preliminary hearing.
- ☐ a detention hearing.
- ☒ an identity hearing, production of the judgment, warrant, and warrant application, and any preliminary or detention hearing to which I may be entitled in this district. I request that my ☒ preliminary hearing and/or ☐ detention hearing be held in the prosecuting district, at a time set by that court.

I consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

Date: 05/10/2024

*Defendant's signature**Signature of defendant's attorney*

Paul Winter

Printed name of defendant's attorney

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

UNITED STATES OF AMERICA,	Case Number: 5:24-mj-74-DW
Plaintiff,	Case No. Pending in the District of Columbia: 1:24-MJ-162
vs.	
DARRELL GOINS	REPORT AND ORDER ON PROCEEDINGS UNDER RULES 5(c)(3) AND 5.1
Defendant.	

The defendant is charged in the District of Columbia In a Criminal Complaint. The defendant has been arrested in this district on a warrant issued in the District of Columbia and has appeared before me for proceedings as follows:

Rule 5(c)(3) Transfer

- ☒ The government has produced a copy of the warrant, and *the defendant has waived his right to an identity hearing*
- ☐ The defendant elected to have an identity hearing in the district where the prosecution is pending.

Rule 5.1 Preliminary Hearing

- ☐ No preliminary hearing is necessary because the defendant is charged by indictment.
- ☐ The defendant waived a preliminary hearing
- ☒ The defendant elected to have a preliminary hearing in the district where the prosecution is pending.
- ☐ The defendant elected to have a preliminary hearing in this district, and based on the evidence presented during the hearing, the Court finds that:
- ☐ There is probable cause to believe that the defendant committed the offense(s) charged.
- ☐ There is **NOT** probable cause to believe that the defendant committed the offense(s) charged.

Rule 5(d)(3) Detention Hearing

- ☒ No detention hearing is necessary because the government did not move to detain the defendant.
- ☐ The defendant waived a detention hearing

☐ The defendant elected to have a detention hearing in the district where the prosecution is pending.

☒ The defendant elected to have a detention hearing in this district, and based on the evidence presented during the hearing, the Court finds that:

☐ The defendant should be detained

☒ The defendant should be released on bond.

ORDER ENTERED ON REPORT:

TO THE UNITED STATES MARSHAL:

☐ You are commanded to transfer the above-named defendant forthwith to the district in which the defendant is charged and there deliver the defendant to the United States Marshal for that district or to some other officer authorized to receive the defendant.

☒ IT IS ORDERED that this defendant be discharged from custody, subject to the conditions in the Order Setting Conditions of Release.

Dated this 10th day of May, 2024.

BY THE COURT:



DANETA WOLLMANN
UNITED STATES MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DARRELL GOINS,

Defendant.

5:24-MJ-00074-DW

ORDER SETTING CONDITIONS OF
RELEASE

IT IS ORDERED that the release of the defendant is subject to the following conditions:

- (1) The defendant shall not commit any offense in violation of federal, state, local, or tribal law while on release in this case.
- (2) The defendant shall immediately advise pretrial services, the U.S. Attorney's Office and defense counsel in writing of any change in address or telephone number.
- (3) The defendant shall maintain regular contact with his counsel and promptly respond to any inquiries from counsel.
- (4) The defendant shall appear at all proceedings as required and shall surrender for service of any sentence imposed as directed. Your initial appearance is currently set for May 21, 2024, at 12:30 EST before Judge Harvey.
- (5) The defendant shall not possess a firearm, destructive device, live ammunition, or other dangerous weapon.
- (6) The defendant shall not use alcohol excessively.
- (7) The defendant shall not use or possess any illegal substance.
- (8) You shall not travel out of the District of South Dakota, ^{Wyoming and Montana} unless approved by pretrial services.
- (9) You shall surrender any passport(s) and not obtain a new passport.

- (10) The defendant shall not make contact, direct or indirect, with any person who may be a witness, co-defendant, or victim in this case or in any related case.
- (11) The defendant shall report to pretrial services as directed by that office.
- (12) The defendant shall report any contact with law enforcement to pretrial services.

Advice of Penalties and Sanctions

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

A violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of release, an order of detention, and a prosecution for contempt of court and could result in a term of imprisonment, a fine, or both.

The commission of a Federal offense while on pretrial release will result in an additional sentence of a term of imprisonment of not more than ten years, if the offense is a felony; or a term of imprisonment of not more than one year, if the offense is a misdemeanor. This sentence shall be in addition to any other sentence.

Federal law makes it a crime punishable by up to ten years of imprisonment, and a \$250,000 fine or both to obstruct a criminal investigation. It is a crime punishable by up to ten years of imprisonment, and a \$250,000 fine or both to tamper with a witness, victim or informant; to retaliate or attempt to retaliate against a witness, victim or informant; or to intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

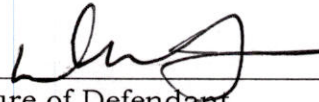
If after release, you knowingly fail to appear as required by the conditions of release, or to surrender for the service of sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, you shall be fined not more than \$250,000 or imprisoned for not more than ten years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years, you shall be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony, you shall be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor, you shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender shall be in addition to the sentence for any other offense. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgment of Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.



Signature of Defendant

Directions to United States Marshal

- (X) The defendant is ORDERED released after processing.
- () The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judicial officer that the defendant has posted bond and/or complied with all other conditions for release. The defendant shall be produced before the appropriate judicial officer at the time and place specified, if still in custody.

DATED this 10th day of May, 2024.

BY THE COURT:



DANETA WOLLMANN
United States Magistrate Judge